

House File 2286 - Introduced

HOUSE FILE _____
BY PETTENGILL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for criminal penalties for the mistreatment of
2 livestock and other animals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5665YH 82
5 da/nh/5

PAG LIN

1 1 Section 1. Section 717.1A, Code 2007, is amended to read
1 2 as follows:
1 3 717.1A LIVESTOCK ABUSE.
1 4 A person ~~is guilty of~~ commits livestock abuse if the person
1 5 intentionally injures or destroys livestock owned by another
1 6 person, in any manner, including, but not limited to,
1 7 intentionally doing any of the following: administering drugs
1 8 or poisons to the livestock, or disabling the livestock by
1 9 using a firearm or trap.
1 10 1. a. Except as provided in paragraph "b", a person
1 11 guilty of who commits livestock abuse commits is guilty of an
1 12 aggravated misdemeanor.
1 13 b. (1) If convicted of a prior offense under this chapter
1 14 or chapter 717B within the last ten years, a person who
1 15 commits livestock abuse is guilty of a class "D" felony.
1 16 (2) If the offense involves the abuse of ten or more head
1 17 of livestock during any uninterrupted period, the person is
1 18 guilty of a class "D" felony.
1 19 2. This section shall not apply to any of the following:
1 20 ~~1. a.~~ A person acting with the consent of the person
1 21 owning the livestock, unless the action constitutes livestock
1 22 neglect as provided in section 717.2.
1 23 ~~2. b.~~ A person acting to carry out an order issued by a
1 24 court.
1 25 ~~3. c.~~ A licensed veterinarian practicing veterinary
1 26 medicine as provided in chapter 169.
1 27 ~~4. d.~~ A person acting in order to carry out another
1 28 provision of law which allows the conduct.
1 29 ~~5. e.~~ A person reasonably acting to protect the person's
1 30 property from damage caused by estray livestock.
1 31 ~~6. f.~~ A person reasonably acting to protect a person from
1 32 injury or death caused by estray livestock.
1 33 ~~7. g.~~ An institution, as defined in section 145B.1, or a
1 34 research facility, as defined in section 162.2, provided that
1 35 the institution or research facility performs functions within
2 1 the scope of accepted practices and disciplines associated
2 2 with the institution or research facility.
2 3 Sec. 2. Section 717.2, subsection 2, Code 2007, is amended
2 4 to read as follows:
2 5 2. a. ~~This paragraph "a" applies to a person who~~
2 6 ~~commits the offense of~~ livestock neglect ~~which does not result~~
2 7 ~~in serious injury to or the death of livestock.~~
2 8 (1) Except as provided in subparagraph (2), the person is
2 9 guilty of a simple misdemeanor.
2 10 (2) (a) If convicted of a prior offense under this
2 11 chapter or chapter 717B within the last ten years, the person
2 12 is guilty of a serious misdemeanor.
2 13 (b) If the offense involves the neglect of ten or more
2 14 head of livestock during any uninterrupted period, the person
2 15 is guilty of a serious misdemeanor. However, a person does
2 16 not commit more than one offense of livestock neglect when
2 17 care or sustenance is not provided to multiple head of
2 18 livestock during any such period.
2 19 b. This paragraph "b" applies to a person who
2 20 intentionally commits the offense of livestock neglect which

2 21 results in serious injury to or the death of livestock.
2 22 (1) Except as provided in subparagraph (2), the person is
2 23 guilty of a serious misdemeanor.
2 24 (2) (a) If convicted of a prior offense under this
2 25 chapter or chapter 717B within the last ten years, the person
2 26 is guilty of an aggravated misdemeanor.
2 27 (b) If the offense involves the neglect of ten or more
2 28 head of livestock during any uninterrupted period, the person
2 29 is guilty of an aggravated misdemeanor. However, a person
2 30 ~~shall not be guilty of~~ does not commit more than one offense
2 31 of livestock neglect ~~punishable as a serious misdemeanor~~, when
2 32 care or sustenance is not provided to multiple head of
2 33 livestock during any such period ~~of uninterrupted neglect~~.
2 34 Sec. 3. Section 717B.2, Code 2007, is amended to read as
2 35 follows:
3 1 717B.2 ANIMAL ABUSE.
3 2 A person ~~is guilty of~~ commits animal abuse if the person
3 3 intentionally injures, maims, disfigures, or destroys an
3 4 animal owned by another person, in any manner, including
3 5 intentionally poisoning the animal.
3 6 1. a. Except as provided in paragraph "b", a person
3 7 guilty of who commits animal abuse is guilty of an aggravated
3 8 misdemeanor.
3 9 b. (1) If convicted of a prior offense under this chapter
3 10 or chapter 717 within the last ten years, a person who commits
3 11 animal abuse is guilty of a class "D" felony.
3 12 (2) If the offense involves the abuse of ten or more
3 13 animals during any uninterrupted period, the person is guilty
3 14 of a class "D" felony.
3 15 2. This section shall not apply to any of the following:
3 16 1- a. A person acting with the consent of the person
3 17 owning the animal, unless the action constitutes animal
3 18 neglect as provided in section 717B.3.
3 19 2- b. A person acting to carry out an order issued by a
3 20 court.
3 21 3- c. A licensed veterinarian practicing veterinary
3 22 medicine as provided in chapter 169.
3 23 4- d. A person acting in order to carry out another
3 24 provision of law which allows the conduct.
3 25 5- e. A person taking, hunting, trapping, or fishing for
3 26 a wild animal as provided in chapter 481A.
3 27 6- f. A person acting to protect the person's property
3 28 from a wild animal as defined in section 481A.1.
3 29 7- g. A person acting to protect a person from injury or
3 30 death caused by a wild animal as defined in section 481A.1.
3 31 8- h. A person reasonably acting to protect the person's
3 32 property from damage caused by an unconfined animal.
3 33 9- i. A person reasonably acting to protect a person from
3 34 injury or death caused by an unconfined animal.
3 35 10- j. A local authority reasonably acting to destroy an
4 1 animal, if at the time of the destruction, the owner of the
4 2 animal is absent or unable to care for the animal, and the
4 3 animal is permanently distressed by disease or injury to a
4 4 degree that would result in severe and prolonged suffering.
4 5 11- k. An institution, as defined in section 145B.1, or a
4 6 research facility, as defined in section 162.2, provided that
4 7 the institution or research facility performs functions within
4 8 the scope of accepted practices and disciplines associated
4 9 with the institution or research facility.
4 10 Sec. 4. Section 717B.3, subsection 3, Code 2007, is
4 11 amended to read as follows:
4 12 3. a. This paragraph "a" applies to a person who
4 13 negligently or intentionally commits the offense of animal
4 14 neglect which does not result in serious injury to or the
4 15 death of an animal.
4 16 (1) Except as provided in subparagraph (2), the person is
4 17 guilty of a simple misdemeanor.
4 18 (2) (a) If convicted of a prior offense under this
4 19 chapter or chapter 717 within the last ten years, the person
4 20 is guilty of a serious misdemeanor.
4 21 (b) If the offense involves the neglect of ten or more
4 22 animals during any uninterrupted period, the person is guilty
4 23 of a serious misdemeanor.
4 24 b. This paragraph "b" applies to a person who
4 25 intentionally commits the offense of animal neglect which
4 26 results in serious injury to or the death of an animal.
4 27 (1) Except as provided in subparagraph (2), the person is
4 28 guilty of a serious misdemeanor.
4 29 (2) (a) If convicted of a prior offense under this
4 30 chapter or chapter 717 within the last ten years, the person
4 31 is guilty of an aggravated misdemeanor.

4 32 (b) If the offense involves the neglect of ten or more
4 33 head of livestock during any uninterrupted period, the person
4 34 is guilty of an aggravated misdemeanor.
4 35 Sec. 5. Section 717B.3A, subsection 3, paragraph a, Code
5 1 2007, is amended to read as follows:
5 2 a. The following shall apply to a person who commits
5 3 animal torture:
5 4 (1) ~~For the first conviction~~ Except as provided in
5 5 subparagraph (2), the person is guilty of an aggravated
5 6 misdemeanor.
5 7 (2) (a) If convicted of a prior offense under this
5 8 chapter or chapter 717 within the last ten years, the person
5 9 is guilty of a class "D" felony.
5 10 (b) If the offense involves the torture of ten or more
5 11 animals during any uninterrupted period, the person is guilty
5 12 of a class "D" felony.

5 13 (3) The sentencing order shall provide that the person
5 14 submit to psychological evaluation and treatment according to
5 15 terms required by the court. The costs of the evaluation and
5 16 treatment shall be paid by the person. In addition, for a
5 17 person's first conviction under this section, the sentencing
5 18 order shall provide that the person complete a community work
5 19 requirement, which may include a work requirement performed at
5 20 an animal shelter or pound, as defined in section 162.2,
5 21 according to terms required by the court.
5 22 ~~(2) For a second or subsequent conviction, the person is~~
5 23 ~~guilty of a class "D" felony. The sentencing order shall~~
5 24 ~~provide that the person submit to psychological evaluation and~~
5 25 ~~treatment according to terms required by the court. The costs~~
5 26 ~~of the psychological evaluation and treatment shall be paid by~~
5 27 ~~the person.~~

5 28 EXPLANATION

5 29 This bill amends two closely related Code chapters. Code
5 30 chapter 717 prohibits a person from mistreating livestock and
5 31 Code chapter 717B prohibits a person from mistreating other
5 32 animals. Code sections 717.1A and 717B.2 provide for abuse
5 33 (intentionally injuring or destroying livestock or an animal
5 34 owned by another person); Code sections 717.2 and 717B.3
5 35 provide for neglect (e.g., confining livestock or another
6 1 animal and harming it or failing to supply it with food or
6 2 water); and Code section 717B.3A (inflicting an animal other
6 3 than livestock with severe physical pain with a depraved or
6 4 sadistic intent to cause the prolonged suffering or death).

6 5 The bill amends each of these sections to increase existing
6 6 criminal penalties in two circumstances: (1) if the person
6 7 has been convicted of a prior offense under either chapter
6 8 within the last ten years, or (2) if the offense involves 10
6 9 or more head of livestock or 10 or more other animals. For
6 10 abuse, the criminal penalty is increased from an aggravated
6 11 misdemeanor to a serious misdemeanor. For neglect, the
6 12 existing law provides that the severity of the criminal
6 13 penalty depends upon whether the offense results in serious
6 14 injury or death. If serious injury or death does not result,
6 15 the criminal penalty is increased from a simple misdemeanor to
6 16 a serious misdemeanor. If the offense is intentionally
6 17 committed and results in a serious injury or death, the
6 18 criminal penalty is increased from a serious misdemeanor to an
6 19 aggravated misdemeanor. For torture, the existing law already
6 20 increases the criminal penalty from an aggravated misdemeanor
6 21 for the first offense to a class "D" felony for a subsequent
6 22 offense. The bill rewrites the provisions in the same manner
6 23 as for other offenses.

6 24 A simple misdemeanor is punishable by confinement for no
6 25 more than 30 days or a fine of at least \$65 but not more than
6 26 \$625 or by both. A serious misdemeanor is punishable by
6 27 confinement for no more than one year and a fine of at least
6 28 \$315 but not more than \$1,875. An aggravated misdemeanor is
6 29 punishable by confinement for no more than two years and a
6 30 fine of at least \$625 but not more than \$6,250. A class "D"
6 31 felony is punishable by confinement for no more than five
6 32 years and a fine of at least \$750 but not more than \$7,500.

6 33 LSB 5665YH 82

6 34 da/nh/5